

# Naples City Council

## June 9, 2011

### Minutes

The regularly scheduled meeting of the Naples City Council was held June 9, 2011, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

#### ***DATE, TIME & PLACE OF MEETING***

Council members attending were Dean Baker, Gordon Kitchen, Dennis Long, Dan Olsen. Robert Hall and Kenneth Reynolds were absent

#### ***COUNCIL MEMBERS ATTENDING***

Others attending were Lyndsee Hagman, Drexson Simmons, Alexis Thacker, Ashleah Murray, Taylen Powell, Jennifer Harrison, Karen Unck, Christian Karren, Jim Harper, Chris Hoem, Connie Patton, Craig Blunt, Drew Cox, and Nikki Kay.

#### ***OTHERS ATTENDING***

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dennis Long offered the invocation.

#### ***OPENING CEREMONY***

Mayor Baker wanted to add an expenditure for the road department after item seven and a closed session, to discuss possible litigation, after item sixteen. Craig Blunt asked the Mayor if he would add a road cut request from Questar to the agenda under item sixteen. Mayor Baker also wanted to add a future Council item to the agenda under item sixteen. Dan Olsen **moved** to approve the agenda with those changes. Dennis Long **seconded** the motion. The motion passed with all in attendance voting aye.

#### ***AGENDA APPROVED***

Mayor Baker asked for approval of the minutes of May 26, 2011. Gordon Kitchen **moved** to approve the minutes of May 26, 2011 as presented. Dennis Long **seconded** the motion. The motion passed with all in attendance voting aye.

#### ***MINUTES APPROVED***

Mayor Baker asked for approval of the minutes from the special meeting of May 26, 2011. Councilman Long asked about the budget increase in the Legislative budget for Councilman Reynolds. Mayor Baker said the increase for Councilman Reynolds was already included in the budget presented to Council but the discussion of it should be included in the minutes. Dan Olsen **moved** to approve the minutes of the May 26, 2011-special meeting with that

#### ***MINUTES OF SPECIAL MEETING APPROVED***

clarification. Dennis Long **seconded** the motion. The motion passed with those in attendance voting aye.

There were no discussion items from the previous meeting.

***FOLLOW UP ITEMS FROM  
PREVIOUS MEETING***

Connie Patton presented the bills in the amount of \$22,945.20 and requested approval to pay them. Mayor Baker questioned the expenditure for frames in the Emergency Preparedness budget. It was explained that the frames were for the "Business of the Month" and that is where those funds were budgeted. Mayor Baker thought those funds should be moved to another account. Mayor Baker also asked about the welding cable purchased in the road department. Jim Harper explained they had to replace all of the welding cable for the inside welder in the shop. Jim said the rubber rotted and was not repairable. Dennis Long **moved** to accept the amount of \$22,945.20 for payment of the bills. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

***APPROVAL OF THE BILLS***

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Officer Cox was not present at the meeting for the travel request but the Council moved forward with the travel request using the information provided. Officer Cox and Officer Horrocks requested approval to travel to Heber for K-9 training. The total travel amount requested was \$725.52. Dan Olsen **moved** to approve the expenditure of \$725.52. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

***APPROVAL TRAVEL FOR  
POLICE DEPARTMENT***

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Officer Cox was not in attendance at the meeting. Dennis Long **moved** to table the expenditure request for the police department. Gordon Kitchen **seconded** the motion. The motion passed with all in attendance voting aye.

***MOTION TO TABLE  
EXPENDITURE REQUEST  
BY POLICE DEPARTMENT***

Jim Harper asked the Council for approval to expend funds for an emergency repair to the mower. Jim said the road department was mowing weeds along the road and hit a large rock which broke the shaft and casing for the transmission line. Jim said they would like to purchase five shear bolts and a new gear box. Jim said the total amount requested was \$949.95. Dennis Long **moved** to approve the total amount requested. Dan Olsen **seconded** the motion. The motion passed as follows:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

***R E Q U E S T     F O R  
EMERGENCY REPAIRS TO  
MOWER***

Jim Harper requested Council approval to pay R Chapman Construction for the 2020 South drainage project. Jim asked for approval to pay the contract price of \$83,112.16 less 10% until four items on a punch list are complete. Councilman Long questioned the total on the invoice. Councilman Olsen thought the additional amount was for the flare and grate. Craig Blunt thought it also included the additional gate. Gordon Kitchen **moved** to pay the invoice amount less the 10% and once the punch list is checked off to go ahead and pay the 10%. Dennis Long **seconded** the motion. The motion passed as follows:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

***PAYMENT APPROVAL TO  
R     C H A P M A N  
CONSTRUCTION***

Jim Harper told the Council they have completed the walk through with B.H.I. on 2500 South. Mayor Baker said Bud Massey contacted him and was having trouble with the conduit attached to his house. Jim said Mr. Massey's conduit was one of the items included on their punch list for B.H.I. to fix. Jim said there were six items on the punch list left to complete. Dennis Long **moved** to hold payment of the invoice until the items are complete and then approve payment of the invoice. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Absent
Dan Olsen	Aye

***APPROVAL TO PAY B.H.I.  
FOR UTILITY WORK ON 2500  
SOUTH***

Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Craig Blunt asked for Council approval to pay 1<sup>st</sup> Green Lawns a partial payment in order for them to purchase the trees and shrubs for landscape work that will be completed on 2500 South. Dennis Long **moved** to approve payment of \$4,728.26 to 1<sup>st</sup> Green Lawns. Gordon Kitchen **seconded** the motion. The motion passed with the following vote:

***APPROVAL PAYMENT TO  
1<sup>ST</sup> GREEN LAWNS FOR  
LANDSCAPE WORK ON  
2500 SOUTH***

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Craig Blunt asked for Council approval to pay Epic Engineering for engineering design work completed so far on 1900 South, 1300 East, and 1500 South. The total for the three invoices was \$24,737.90. Gordon Kitchen **moved** to approve payment to Epic Engineering as invoiced. Dan Olsen **seconded** the motion. The motion passed with the following vote:

***PAYMENT APPROVAL TO  
EPIC ENGINEERING***

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Nikki Kay presented the Council with a letter from Utah Retirement Systems asking if the City wanted to extend the Benefit Protection Contract on any new hires for Long Term Disability. Nikki explained that the current contract for Long Term Disability has a built in benefit protection that pays an employee's pension benefit if the employee becomes disabled. Nikki stated that with any new hires the City would need to determine if they wanted to pay the pension benefit for those employees because that will no longer be paid for them by the Long Term Disability. Gordon Kitchen **moved** not to extend the benefit protection to any new hires. Dennis Long **seconded** the motion. The motion passed with all those in attendance voting aye.

***DISCUSSION TO EXTEND  
BENEFIT PROTECTION  
CONTRACT ON NEW  
HIRES FOR LONG TERM  
DISABILITY***

Craig Blunt explained to those in attendance why the City wants to become a part of the National Flood Insurance

***ORDINANCE 11-129  
NATIONAL FLOOD***

Group. Craig said FEMA has determined where the flood zones are for Naples City and if there are any homes located within the flood zones, they would have the choice of buying flood insurance. Craig said the City would need to elect to join the National Flood Insurance program in order for home owners to qualify for a reduced flood insurance rate. Craig explained that if the City participates in the program they would be in a position to receive money to help mitigate storm water flooding. Craig said that in order to continue with the programs currently being applied for, the City would need to pass an Ordinance and Resolution for flood management. Craig explained that the Resolution sets up what FEMA's responsibilities are the responsibilities of the City. Craig told the Council that he and the City Attorney both recommend adopting the Flood Control Ordinance and Resolution. Craig said he would like to see the Planning Commission take the Flood Control Ordinance and combine it with the current regulations of the Land Use Ordinance to make an Ordinance that is workable for the City. Councilman Kitchen wanted to know what the Land Use Ordinance doesn't have that is included in the National one. Craig said the new one includes mobile homes, trailer courts, and the new one has more direct guidelines for people who want to build in a flood zone area. Craig said the City can't proceed with their current applications for storm water mitigation if they don't approve this Ordinance. Craig said he would like them to approve the Ordinance as presented so he can move forward with his applications and have the Planning Commission modify it according to the needs of the City. Dennis Long **moved** to accept Ordinance 11-129 with the request that the Planning Commission have their recommended changes back to the Council by August 11, 2011. Dan Olsen **seconded** the motion. The motion passed as follows:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Resolution 11-235, a Resolution enacting adequate land use control measures in flood hazard areas, was given to Council for their approval. Dan Olsen **moved** to adopt Resolution 11-235. Dennis Long **seconded** the motion. The motion passed with a roll call vote:

## ***INSURANCE***

## ***RESOLUTION 11-235***

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Dan Olsen **moved** to open a public hearing to receive input on amending fiscal year 2010/2011 budgets and to receive input on adopting fiscal year 2011/2012 budgets. Dennis Long **seconded** the motion. The motion passed with all in attendance voting aye.

***PUBLIC HEARING TO  
OPEN AND AMEND FY  
2010/2011 BUDGET AND  
ADOPT FY 2011/2012  
BUDGETS***

Craig Blunt explained to those in attendance why the City holds a public hearing for the budget and asked if anyone in attendance had any questions or comments. Craig explained the manner in which the City receives revenue and explained that most of the operating revenue for the City was received through sales tax. With no comment from the public, Dennis Long **moved** to go out of the public hearing. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Dan Olsen **moved** to readdress item seven, a request by the police department to expend funds. Gordon Kitchen **seconded** the motion. The motion passed with all voting affirmatively.

***MOTION TO MOVE BACK  
TO ITEM SEVEN -  
EXPENDITURE BY THE  
POLICE DEPARTMENT***

Officer Andrew Cox asked the Council for approval to expend funds to purchase an odor detection device that helps train their K-9 dogs stare at an object instead of scratch at it. Officer Cox said it helps the dogs stay focused. Officer Cox said the total request for the device with shipping is \$635. Dennis Long **moved** to approve up to \$650. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Craig Blunt presented the Council with a request from Questar to cut the road at 1500 South and 500 East. Craig said Questar is trying to tie in some of their dead end lines and want to run a line west on 1500 South boring under 500 East. Gordon Kitchen **moved** to approve the road cut for

***ROAD CUT REQUESTS  
FOR QUESTAR***

Questar Gas. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Mayor Baker wanted to create an ordinance that any newly hired employees that are appointed would be required to live in Naples. Councilman Kitchen questioned the use of appointed and wanted to know if he meant department heads. Mayor thought it should be any newly hired City Manager, Chief of Police, City Recorder, Treasurer, City Planner, or Road Department Supervisor. Mayor Baker said he would get with the City Attorney to see about drafting an ordinance. Councilman Olsen wanted to know what the Mayor's rationale was. Mayor Baker said it was to take ownership of the City. Mayor Baker said only two employees of the City actually live in the City. Councilman Olsen said the City has good employees. Mayor Baker said he wasn't arguing that but felt any new ones should live in the City. Councilman Kitchen said he didn't have a problem with the idea but didn't want to scare away the best applicants. Mayor Baker said he would try and have the ordinance for the first meeting in July.

## ***FUTURE COUNCIL MATTERS***

Dennis Long **moved** to set a second public hearing on June 23, 2011 at 8:00 p.m. to discuss the City's CDBG applications. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

## ***OTHER MATTERS***

Nikki Kay asked the Council if they were going to make any changes to the new fiscal year budget and she also requested the Council approve a transfer of \$5,000 from the parks budget to the boards and commissions budget. Mayor Baker thought the agenda should have had a separate line item for adoption of the budget and thought they should adopt it at the next meeting. Nikki said that would be fine but they will be past the deadline for adoption. Nikki asked if the Council was okay with what was presented because the budget will need to be finalized at the next meeting. Nikki asked if the Council had any problem with the transfer of the \$5,000. Council members were okay with that suggested transfer. Council members said they were okay with the budget as it was presented and they would adopt it at the next meeting.

Dennis Long **moved** to go into a closed session for possible litigation. Dan Olsen **seconded** the motion. The motion passed with the following vote:

## ***MOTION TO MOVE INTO A CLOSED SESSION FOR POSSIBLE LITIGATION***

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Present in the closed session: Mayor Baker, Council members Dan Olsen, Dennis Long, and Gordon Kitchen. Craig Blunt, Chris Hoem, and Nikki Kay were also present.

Dennis Long **moved** to reconvene back into regular session. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

With no other business before the Council, Gordon Kitchen **moved** to adjourn the meeting at 9:20 p.m. Dennis Long **seconded** the motion. The meeting was adjourned.

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 23<sup>rd</sup> DAY OF JUNE 2011

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_